

REMARKS

Claims 1-21 are all the claims pending in the application. The Examiner rejects claims 1-21 under 35 U.S.C. §102(b) as being anticipated by Kung et al. (US 6,728,239), or in the alternative, under 35 U.S.C. §103(a) as being obvious over Kung.

Applicant appreciates acknowledgement of foreign priority under 35 U.S.C. §119(a)-(d).

§ 102(b) Rejection

Claims 1-21 have been rejected under 35 U.S.C. 102(b) as being anticipated by Kung.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991). Applicant respectfully traverses these rejections.

Independent claim 1:

Kung is directed to an integrated scaleable PBX (Private branch exchange) that includes one or more broadband gateways. Each broadband gateway may be provided on a slot card (i.e., broadband gateway card) compatible with servers and personal computers. Kung's system includes a distributed processing controller (Fig. 3, 306) and an auxiliary processor for off-loading special functions such as numeric processing (col. 19, lines 13-15).

The present invention also includes a network CPU (Fig. 2, 30) for controlling communication between the Internet phone main unit and a peripheral device, and for connecting to the network (page 7, lines 23 et seq.), and an additional CPU (Fig. 2, 20b, and page 9, lines 3-5). Claim 1 has been amended to further describe the invention as having an additional independent CPU.

Kung's auxiliary processor is different than the invention's additional independent CPU. Kung's processor is limited to processing special functions for the distributed processing

controller. Kung specifically states that its processor is an auxiliary processor, whereas the invention's additional processor is a completely independent CPU. (“[T]he fourth processor P4 314 may include an auxiliary processor for off loading special functions such as numeric processing.” See, Kung, col. 19, lines 13-15.) The invention's additional CPU has a minimum function as an independent PC or a play station. See, page 12, lines 20-21.

An auxiliary processor is completely different than an independent PC. The auxiliary processor requires a primary processor to direct the overall processing. In Kung, the auxiliary processor is limited to performing tasks under the direction of the distributed processing controller. “Auxiliary” is defined as (a) offering or providing help, and (b) performing in a subsidiary capacity (see, Merriam-Webster Online Dictionary) or relating to something that is added but is not essential (see, WordNet ® 2.0, © 2003 Princeton University). Kung teaches only that an additional processor coupled with the distributed processing controller acts as an auxiliary processor performing only limited functions such as numeric processing. In contrast, the invention's additional independent CPU has the capacity to perform operations or tasks independently from the network CPU. For at least this reason, Kung does not teach the application's additional independent CPU.

Applicant respectfully submits that because Kung does not teach each and every element of the now amended independent claim 1, Kung does not anticipate the invention of claim 1. Thus, for at least the reasons discussed above, claim 1 is allowable. Claims 2-13 depend from claim 1 and therefore are also allowable.

The Examiner also rejects claim 1 under 35 U.S.C. §103(a) as being obvious over Kung. To sustain a 103 rejection, the Examiner has the initial burden to present a *prima facie* case of obviousness including a showing that the motivation to modify the reference is found in the reference itself. See, MPEP 706.02(j). Here, there is no motivation in Kung to provide an additional completely independent CPU, rather, Kung teaches away from an additional independent CPU by reciting that a second process is an auxiliary processor performing only limited tasks such as numeric processing. Because Kung presents no motivation to modify, the *prima facie* case for obviousness must fail, and for this additional reason, Applicant respectfully submits that claim 1 is allowable as are all claims dependent therefrom.

Independent claims 14, 18, and 19:

Each of the independent method claims 14, 18, and 19 have been amend to include the limitation of an addition independent CPU in the function extending unit. As argued above, Kung does not teach an addition independent CPU, and therefore does not teach each and every element of the now amended independent claims. Thus, for at least the reasons discussed above, claims 14, 18, and are allowable as are all claims dependent therefrom.

Dependent claim 20:

Applicant cancels dependent claim 20, and amends independent claim 19 to include all the limitations of claim 20.

Dependent claims 2-13, 15-17, and 21:

Each of the above listed dependent claims depends from an allowable independent claim and is therefore allowable. Applicant respectfully request reconsideration and withdrawal of the rejection.

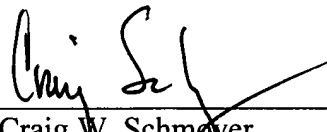
CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,
Lee, Hong, Degerman, Kang & Schmadeka

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By:



Craig W. Schmeier
Registration No. 51,007
Attorney for Applicant(s)

Customer No. 035884

LEE, HONG, DEGERMAN, KANG & SCHMADEKA
801 S. Figueroa Street, 14th Floor
Los Angeles, CA 90012
Telephone: (213) 623-2221
Facsimile: (213) 623-2211